

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 20, 2010

SUBJECT: Stormwater Management Regulations Comparison

ATTACHMENTS: 1. PowerPoint Presentation
2. Table: Stormwater Management Regulations Comparison

SUMMARY OF REQUEST:

At the public hearing on March 30, 2009, the Board of Commissioners directed Planning Staff to provide information comparing proposed stormwater management regulations to existing stormwater management regulations of the County's municipalities and nearby counties. The Board also discussed the potential for County administration of stormwater management regulations within the County's municipalities. Staff reviewed the regulations of the City of Hendersonville, Town of Fletcher, Town of Laurel Park, Village of Flat Rock, and Buncombe County. A comparison of the stormwater management regulations in these jurisdictions is provided in Attachment 2. Options regarding municipal participation in a County delegated stormwater management program are also outlined in the PowerPoint.

BOARD ACTION REQUESTED:

Planning Staff requests additional direction as to how the Board desires to proceed regarding the proposed text amendment (text amendment TX-2009-01).

Suggested Motion:

None.

Stormwater Management Regulation Comparison

LDC Text Amendments
TX-2009-01

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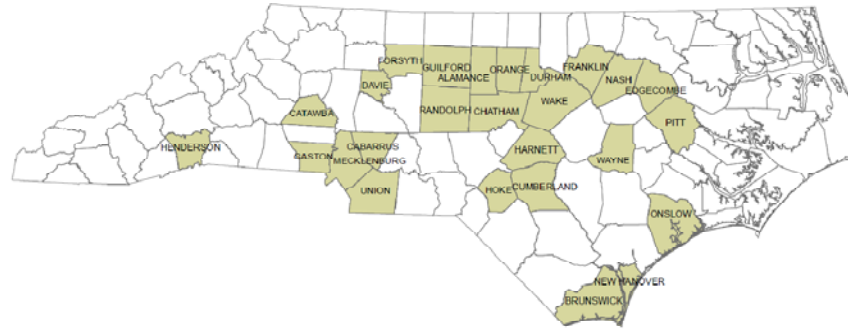
Public Comment from Hearing

Citizens requested the Board consider modifying the proposed text amendment in areas:

- 1. Engineered Control Standards**
- 2. Project Differentiation (high density v. low density project standards)**
- 3. Permit Threshold Standards**

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North Carolina Phase II Tipped in Counties



Legend

Phase II Tipped Counties (Post-Construction)

7/28/2009

0 20 40 80 Miles



Source: NCDNR, Division of Water Quality, Stormwater Management Section.

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Issue 1: Engineered Control Standards

Engineered Control Standard:

- Amount of stormwater a stormwater control is designed to capture (size of retention ponds/areas)
- Typical measure:
 - Inches over a period of time (1 inch per 24-hour period)
 - Frequency of storm event (1 year 24-hour storm or 1 year 1-hour storm)



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Issue 1: Engineered Control Standards

- Increased standard increases development costs but can capture larger rain events
- Fletcher and Hendersonville use a standard that is more than the State Standard
- The Board may increase the standard
 - If applying State model standards countywide (1.00 inch)
Then 88.94% of events would have been captured*
 - If applying Fletcher standard countywide (1.25 inches)
Then 92.27% of events would have been captured
 - If applying Hendersonville standard countywide (3.31 inches)
Then 99.42% of events would have been captured

*During the period from January 1, 2000 to December 31, 2009).

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Issue 2: Low Density vs. High Density

High Density Project:

- Density of more than 2 dwelling units per acre or built upon area more than 24% and
- Disturbance of 1 or more acres of land.

Low Density Project:

- Density of 2 or fewer dwelling units per acre or built upon area 24% or less and
- Disturbance of 1 or more acres of land.

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Issue 2: Low Density vs. High Density

The Board may remove low density standards

If removed Then:

- Best management practices (BMPs) would be required for all projects where a stormwater permit is required.
- The number of plan reviews will increase:
 - State reviews to Date: 9 projects with BMPs (July 1, 2007 - Present)
 - Potential if Option Eliminated: 62 additional projects with BMPs*

*Based on sedimentation and erosion control qualifying projects (disturbing 1+ acres) during the period from October 1, 2007 – Present).

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Issue 3: Permit Threshold

The Board may reduce permit threshold to capture additional projects

- Current State standard—permit required if 1+ acres of land disturbed
- Hendersonville and Fletcher require permits with 20,000 sq. ft. (approx. ½ acre) of impervious surface
- Buncombe requires permits for any commercial development on a lot 1+ acres in size

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Issue 4: Municipal Participation

Three Options:

1. Apply county regulations uniformly (lower municipal standards)
2. Increase county regulations to meet municipal minimums (higher than State standards)
3. State standard for the unincorporated areas and varied standards in municipal areas

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Next Possible Steps: How to Proceed

- No change to proposed text amendment
- Modify standard(s) provided to exceed State minimums
- Evaluate:
 - Benefits of consolidated programs vs.
 - Burdens of increased county standards –or–
 - Burdens of varied standards

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Table 1. Comparison of Stormwater Management Regulations by Jurisdiction						
Jurisdiction	Engineered Control Standard	Trigger for Requiring a Permit	Low Density & High Density Projects¹ Identified	Standards for Low Density Projects Beyond State Regulations	Stormwater BMPs Required for...	Exempt from obtaining a permit if located in a Water Supply Watershed
Henderson County (draft)	1-inch of rainfall over a 24 hour period	1 or more acres of disturbance	Yes	No	High Density Projects	Yes
Buncombe County	1-year 24 hour storm (varies from 2.2 to 3 inches per 24 hour period, dependent upon location within the County)	1 or more acres of disturbance (residential development or redevelopment) 1 or more acre lot size (commercial)	Yes	Yes	High Density Projects	No
City of Hendersonville	1-year 24 hour storm (3.31 inches per 24 hour period)	1 or more acres of disturbance (nonresidential) 20,000 square feet of impervious surface	No	Yes	All projects requiring a permit	No
Town of Fletcher	1-year 1-hour storm event (1.25 inches)	1 or more acres of disturbance (nonresidential) 20,000 or more square feet of impervious surface (all)	No	Yes	All projects requiring a permit	No
Town of Laurel Park	1-year 24 hour storm (have not determined inches as no projects have yet required the determination be made)	1 or more acres of disturbance	Yes	Yes	High Density Projects	No
Village of Flat Rock	None established	None required (stormwater plan required)	No	No	Projects requiring a stormwater plan (Major subdivision of land; Residential development (excluding single family development))	Not applicable

¹ High Density Project: Density of more than 2 dwelling units per acre or built upon area more than 24% and with a disturbance of 1 or more acres of land. Low Density Project: Density of 2 or fewer dwelling units per acre or built upon area 24% or less and with a disturbance of 1 or more acres of land.